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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/730,545

12/08/2003

Pravin Shah

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201

7590

07/24/2006

UNILEVER INTELLECTUAL PROPERTY GROUP  
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EXAMINER

GOLLAMUDI, SHARMILA S

ART UNIT

PAPER NUMBER

1616

DATE MAILED: 07/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/730,545	<b>Applicant(s)</b> SHAH ET AL.	
	<b>Examiner</b> Sharmila S. Gollamudi	<b>Art Unit</b> 1616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

Claims 1-4 are pending in this application.

#### ***Claim Objections***

Claim 1 is objected to because of the following informalities: Although claim 1 is definite the examiner suggests amending the claim for grammatical purposes. The examiner suggests amending claim 1 to “15-50% by weight of a foam enhancing system comprising two or more reactants, non-reactive in a non-aqueous medium” *or* “15-50% by weight of a foam enhancing system comprising two or more reactants, **which are** non-reactive in a non-aqueous medium...”

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 86/02832 to Ross et al.**

Ross discloses an effervescent composition comprising an anhydrous medium (component c) and an inorganic oxide material containing an adsorbed gas (component b) wherein upon contact with water, the gas is desorbed and an effervescent action (foaming) occurs. See abstract. The adsorbed gas is utilized in the amount of about 1 to 25% and the inorganic oxide material is utilized in an amount of about 1-60%. See page 3 and page 5. The anhydrous vehicle is utilized in an amount of 10-90. See page 12. A surfactant (component a)

Art Unit: 1616

may be utilized in an amount of 0.05-10%. See page 15. Example 3 discloses a composition comprising 21.90 (42.8%) grams of carbon dioxide containing zeolite (two reactants), 26.75 (52.327%) grams propylene glycol, 0.075 grams benzoic acid, 0.3 grams SYLOID, 1 gram sodium lauryl sulfate (1.95%), 0.35 grams peppermint oil, and 0.75 grams HPC. The mixture foams when it contacts water.

With regard to the limitation of "generate at least 25 cc foam after 30 seconds", it is the examiner's position that the prior art would produce such as foam since the prior art and the instant composition as claimed are identical. Note the method of measuring the foam in claim 4 does not hold patentably weight since the claims are directed to a product and the instant limitation does not structurally differentiate the product.

**Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 2000-297008 to Takashi et al.**

Takashi et al disclose a foaming cosmetic comprising (I) 0.1-5 % of a carbonate; (II) 0.1-10% of an acid; and (III) a non-aqueous composition. The composition forms a foam when it is mixed with a cosmetic composition (B), which comprises water. See abstract. For instance, example 1 discloses a composition that comprises 4 parts by weight myristic acid, 7 parts by weight palmitic acid, 1 parts by weight isostearic acid, 2 parts by weight squalene, 5 parts by weight polyoxyethylene polyoxypropylene glyceryl ether (surfactant), 5 parts by weight dipropylene glycol, 10 parts by weight glycerol, 6 parts by weight triethanolamine (pH adjustor), 5 parts by weight palm oil fatty acid diethanolamide (surfactant) , 2 parts by weight citric acid, 1.2 parts by weight sodium carbonate, and 0.8 parts by weight sodium bicarbonate.

Art Unit: 1616

With regard to the limitation of "generate at least 25 cc foam after 30 seconds", it is the examiner's position that the prior art would produce such as foam since the prior art and the instant composition as claimed are identical. Note the method of measuring the foam in claim 4 does not hold patentably weight since the claims are directed to a product and the instant limitation does not structurally differentiate the product.

*Conclusion*

All the claims are rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharmila S. Gollamudi whose telephone number is 571-272-0614. The examiner can normally be reached on M-F (8:00-5:30), alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sharmila S. Gollamudi

Art 1616

*Sharmila S. Gollamudi*